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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 8th Day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIHAH

WRIT PETITION NO.15024/1998

Between:

1. K.Suryanarayana Rao,
S/o.Late B.Krishnappa,
Aged about 54 years,
2. B.K.Shantha,
W/o.K.Suryanarayana Rao,
Aged about 47 years.
3. Both are residents of
No.2305, 21st Cross,
Banashankari II Stage,
Bangalore - 560 070.

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...PETITIONERS

(By Sri.Suryanarayana Rao, Party in person)

And:

1. The Bangalore City
Corporation,
by its Commissioner,
Bangalore - 560 002.
2. The Appeal Officer,
Bangalore City Corporation,
Basavanagudi Sub-Division,
Gandhi Bazar,
Bangalore - 560 004.

...RESPONDENTS

(By Sri.Muniyappa, Adv.)

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This Writ Petition is filed under Article 226 of the Constitution of India with a prayer to direct R-2 to consider the Appeal dt.25.04.1995 filed by the petitioners as per Annexure 'A' within the time prescribed by this Hon'ble Court.

This Writ Petition coming on for Preliminary Hearing this day, the Court made the following:-

O_R_D_E_R

Sri.Muniyappa is directed to take notice for the respondents. Accordingly, he appears for the respondents.

2. The petitioners were the owners of the property bearing No.2305, 21st Cross, BSK II Stage, Bangalore-70. The said premises was in occupation of a tenant. Therefore, in view of the fact that the said premises were tenanted premises, the Corporation assessed the tax on the basis of the rental value. Thereafter, the tenants have vacated the premises and handed over the possession of the premises. The petitioners having occupied the said premises made an application before the Corporation

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to revise the tax as it has been in the occupation of the land owners. The said representation ^{has not} ~~been~~ considered by the Corporation. Again the petitioners requested the Corporation to consider the Representation made on 25.04.1995 and to revise the tax. In spite of it, as the representation has not been considered the petitioner has filed this Writ Petition, for a mandamus. ✓

2. When once a representation is made requesting to revise the tax on the basis that the premises in question is in occupation of the land owner, the duty is cast on the officer to consider ~~the same~~ and dispose of the matter in accordance with law. In the instant case, as it has not been considered, it is just and necessary to issue [✓] necessary direction. In the result I pass the following order.

3. Writ Petition is allowed. A direction is issued to the respondents to consider and dispose

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of the representation made by the petitioner on
25.04.1995 as per Annexure 'A' as expeditiously
as possible not later than six months from to-day.

Sd/-
JUDGE



sps/-